

**Draft Environmental Assessment  
For  
Keogh Ranch Conservation Easement Amendment  
May 2 2017**

**1.0: PURPOSE OF AND NEED FOR ACTION**

**1.1 Proposed Action**

Montana Department of Fish, Wildlife, and Parks (FWP) proposes to purchase the agricultural subdivision rights on the 7,106-acre Fitzgerald Ranch which was encumbered by a FWP conservation easement in 1996 known as the Keogh Conservation Easement. Currently the conservation easement allows the landowner the right to subdivide the property into 160-acre or greater parcels and sell to other private landowners if the parcels are used for agricultural purposes and remain subject to terms of the conservation easement. FWP would amend the existing conservation easement to prohibit any subdivision. FWP proposes to pay \$213,000 to eliminate the right to subdivide. These costs would be paid for through FWP's Habitat Montana Program.

**1.2 Need for the Action**

FWP purchased a 7,106-acre conservation easement (CE) in 1996 from the Keogh Family. The CE allowed the land to be divided and sold into 160-acre or larger parcels as long as those parcels remained in agricultural use and subject to terms of the CE. The agricultural subdivision language found in the Keogh CE was used in 1990's and early 2000's era conservation easements, but has been discontinued in more recent agreements. The language has proven problematic over the years by placing additional strains on FWP staff capacity, increased susceptibility of stewardship violations, and complicating resource management and public access objectives.

The Keogh CE could legally be subdivided into forty-four 160-acre parcels. To date, the ranch remains whole and no subdivision has taken place. Small-lot residential subdivision is occurring along the southern boundary of the ranch. Pressure from these adjacent landowners to buy horse pastures and other small grazing parcels is growing.

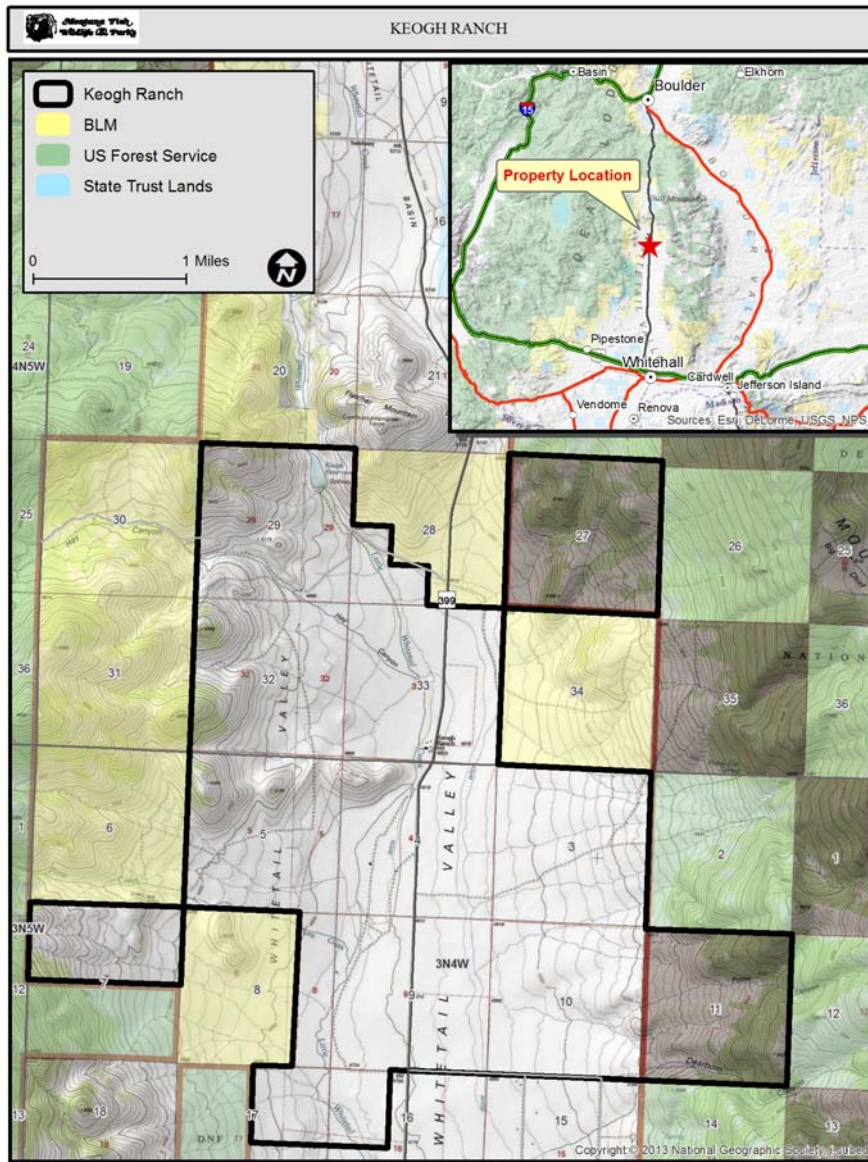
The Keogh CE is in the intermountain valley between the Boulder Mountains to the west and the Bull Mountains to the east. It is a working cattle and hay ranch that also provides important wildlife habitat. The property extends from the valley floor to the foothills of the Boulder and Bull Mountains. The land is composed of native shrub grassland habitats intersected by Little Whitetail Creek and associated riparian habitat. The property supports breeding mountain plovers and the western most known black-tailed prairie dog colony in Montana. It provides year-round range for mule deer and antelope, as well as fall and winter range for elk and is an important link between the two mountain ranges. The ranch is enrolled in Block Management and provides hunting access for an average of 400 hunters annually. Hunttable species include elk, mule deer, antelope, mountain lion, and upland game birds. In addition, the landowners allow public fishing access to the ranch reservoir.

The CE's wildlife habitat, public recreation and agricultural conservation values would be negatively impacted if the property was subdivided into small parcels.

**1.3 Location of Proposed Action**

The Keogh Conservation Easement property is located 15 miles north of Whitehall, MT, in Jefferson County (Fig. 1). It is in Deer and Elk Hunting Districts 350 and 370.

Figure 1: Location of the proposed action.



#### 1.4 Objective of Proposed Action

The objective is to ensure the long-term protection of the wildlife and recreational values of the 7,106 acres of the existing Keogh Ranch conservation easement, while maintaining a viable family agricultural operation.

#### 1.5 Authority and Direction

FWP has the authority under law (Section 87-1-201, MCA) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for the public benefit now and in the future. In 1987, the Montana Legislature passed HB 526 which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee title acquisition (87-1-241 and 242). This is now referred to as the Habitat Montana Program. Purchasing the subdivision rights to the Keogh property to extinguish the agricultural subdivision rights would secure additional protections for the conservation of native plant

communities so that they would continue to support game and other wildlife species while also keeping the ranch in agricultural production. This proposal was endorsed by the Montana Fish and Wildlife Commission on April 13, 2017, allowing FWP to proceed with this environmental analysis.

As with other FWP property interest proposals, the Fish and Wildlife Commission must approve any lands projects proposed by the agency. This Environmental Assessment is part of the decision-making process.

Montana's State Wildlife Action Plan (2015) guides conservation throughout the state by identifying community types and species with significant issues that warrant conservation attention. Under this plan, the proposed action area is classified as a Tier 1 ecotype of Sagebrush-Steppe. Tier 1 indicates an ecotype of greatest conservation need and SWAP directs that these areas be protected through conservation easements and fee title acquisitions funded by Habitat Montana and other funding sources. Species in Greatest Conservation Need (SGCN) that are associated with this ecotype and are known to occur or likely to occur in the area are listed in Table 1.

Table 1: Montana's Species of Concern that are associated with the sagebrush-steppe habitat type and known to occur or likely to occur in the proposed action area.

Common Name	Scientific Name
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>
Mountain Plover	<i>Charadrius montanus</i>
Clark's Nutcracker	<i>Nucifraga columbiana</i>
Long-billed Curlew	<i>Numenius americanus</i>
Burrowing Owl	<i>Athene cunicularia</i>
Ferruginous Hawk	<i>Buteo regalis</i>

## 1.6 Decision

Based on his review of the project as well as public comment, FWP's Region 3 Supervisor would decide whether or not to approve the amendment to the existing Keogh CE.

## 2.0: ALTERNATIVES

**2.1 Alternative A (No Action):** FWP does not amend the Keogh CE, leaving open the potential for subdivision of the property into 160-acre or larger parcels.

**2.2 Alternative B (Proposed Action):** FWP amends the Keogh CE, removing the language that allows the landowner the right to subdivide the land for agricultural purposes.

## 3.0: AFFECTED ENVIRONMENT

### 3.1 Description of Relevant Affected Resources

#### 3.1.1 Soil & Geologic

The geology of the Keogh Ranch is Boulder Batholith. Soils are primarily Rencot, Lahood, and rock outcrops. Rencot and LaHood soils are well-drained gravelly residuum weathered from fine-grained sandstone. Ecological site descriptions vary from very shallow to silty-droughty. Rocky outcrops are volcanic and sandstone.

#### 3.1.2 Air & Noise

Vehicle traffic occurs on several dirt roads on the Keogh Ranch in addition to occasional off-road travel as part of normal ranch operations. There is occasional noise and dust from livestock, ranch

and farming equipment. Traffic on the gravel Boulder-Whitehall Road located approximately 1 mile to the east of the parcel also contributes to temporary noise and dust in the area.

### 3.1.3 Water & Fisheries

Little Whitetail Deer Creek is the main drainage running through the Keogh Ranch. It is considered a trout stream with brook trout being the dominant fish species. Little Whitetail Creek is used by the current family, the Fitzgerald family, as an irrigation source for hay land and crop pastures as well as a recreational area for fishing on the upper reaches of the creek to the Keogh Reservoir.

There are four main tributaries of Little Whitetail Creek on the Keogh Ranch. Hay Canyon Creek and Pony Creek flow from the west and Dearborn Creek and Potter Creek flow from the east. These tributaries provide water for livestock and wildlife. The four drainages are intermittent streams and are not considered fisheries.

### 3.1.4 Vegetation

The 7,106 acre Keogh Ranch is located in the valley between the Boulder and Bull Mountains. Elevations vary from 4,800 feet in the valley floor to 6,400 feet in the foothills of the mountains. Little Whitetail Creek and its tributaries flow through the property. The lower elevation of the ranch is made up primarily of native grassland, intersected by a series of intermittent stream courses and associated riparian habitats. Approximately 350 acres of the 7,106-acre Keogh Ranch is used as hay land. Of these acres, about half is irrigated alfalfa/grass mix and the remainder is native hay land found in pockets along Little Whitetail Creek. A 100-acre pastured has been seeded to crested wheatgrass. It has not been reseeded in over 25 years.

The upper elevations of the property consist of grass/shrub land habitat. The dominant grasses on this parcel are bluebunch wheatgrass and needleandthread grass while rubber rabbitbrush and big sagebrush are the dominant shrubs. Cactus, plantain, and buckwheat comprise the majority of the forb community. Rocky Mountain juniper and Douglas-fir occur in sparse amounts throughout the lower foothills and in larger stands at higher elevations. Precipitation in this area is 10-14 inches annually, with most of the precipitation coming in the form of winter snow.

### 3.1.5 Wildlife

The Keogh Ranch has a diversity of wildlife species that utilize it. Over 30 species of mammals are known to occur on the Keogh Ranch including elk, mule deer, white-tailed deer, moose, antelope, black bear, mountain lion, bobcat, red fox, coyote, mink, short- and long-tailed weasels, yellow-bellied marmot, white-tailed jackrabbit, mountain cottontail, and black-tailed prairie dog. More than 130 species of birds are known to occur or have the potential to occur on the Keogh Ranch including golden eagle, ferruginous hawk, Cooper's hawk, blue grouse, ruffed grouse, Hungarian partridge, burrowing owl, mountain plover, and numerous songbird species. Eleven species of amphibians and reptiles have been documented on the ranch including the western hognose snake, prairie rattlesnake, and rubber boa.

Regarding big game species, the uplands and valley bottoms on the Keogh Ranch provide year-round habitat for mule deer, antelope, and elk. White-tailed deer and moose make use of the riparian corridors along Little Whitetail Creek and its tributaries. Big game relies heavily on the timber stands of Douglas-fir and Rocky Mountain juniper for thermal and hiding cover.

The Keogh Ranch is surveyed annually for elk during the winter and biennially for antelope during the summer. The Keogh Ranch typically winters 150-350 elk. Elk use the ranch both as winter range and as a migration route between mountain ranges. Antelope population in the Little

Whitetail Valley ranges from 150-275 with 75-125 of those making use of habitat on the Keogh property.

Approximately 90 acres of the Keogh Ranch contain an active prairie dog colony. This is believed to be the western-most extension of black-tailed prairie dogs in Montana.

Six Montana species of concern are known to occur on the Keogh Ranch: black-tailed prairie dog, mountain plover, Clark's nutcracker, long-billed curlew, burrowing owl, and ferruginous hawk.

#### 3.1.6 Aesthetics

The Keogh Ranch is a working cattle and hay ranch that also provides important wildlife habitat. Aside from a home, barn and several outbuildings clustered on the property, the ranch land is undeveloped and contributes to the open space, natural aesthetics and beauty of the area.

#### 3.1.7 Cultural & Historic

The Keogh Ranch headquarters historically had been a stagecoach stop on the Boulder-Whitehall Road.

#### 3.1.8 Recreation

As part of the terms of the conservation easement, the Keogh Ranch must provide access to a minimum of 250 hunters annually. This term has consistently been honored since the inception of the easement. The current family that owns the ranch, the Fitzgerald family, allows as many as 400 hunters annually. They also allow free public access to anglers to fish their reservoir. In addition, the Keogh Ranch is bordered by approximately 19 miles of public lands and is the only access to much of the Bureau of Land Management and Forest Service lands surrounding their property. The Keogh family has historically allowed hunting, fishing, and camping access both on their property and to the public lands beyond. The Fitzgerald family continues to provide these opportunities to the recreating public.

Because elk, mule deer, antelope, and prairie dogs are readily visible from the county road that runs through the Keogh Ranch, wildlife viewing is popular.

#### 3.1.9 Health Risks/Hazards

There are no health risks or hazards associated with the proposed action.

#### 3.1.10 Community Resources

The Keogh Ranch, now owned by the Fitzgerald family, is a thriving working ranch. The ranch allows for a maximum of 1,700 animal unit months of grazing annually. In addition, approximately 350 acres of hay land occur on the Keogh Ranch.

## 4.0: ENVIRONMENTAL CONSEQUENCES

### 4.1 **Description of Relevant Affected Resources**

#### 4.1.1 Soil & Geologic

##### *Predicted Consequences of Alternative A*

Subdivision of the Keogh Ranch into 160-acre or larger parcels would increase livestock use on the property. Cumulative negative impacts to soils would include compaction, erosion, loss of vegetative cover and subsequent decrease in organic matter and soil moisture content. More roads would have to be built to access the subdivided parcels, further impacting the soils in the area.

There would be no short- or long-term effects on the overall geologic substrate.

*Predicted Consequences of Alternative B*

If FWP purchases an amendment to the Keogh Ranch CE to eliminate the right to subdivide the property, the 7,106-acre ranch would continue to be managed under one livestock operation which would incorporate rotational grazing across the property, thereby minimizing long-term impacts to soil.

4.1.2 Air & Noise

*Predicted Consequences of Alternative A*

Noise and dust associated with agricultural operations would increase minimally yet incrementally for each subdivision of the Keogh Ranch CE that would occur.

*Predicted Consequences of Alternative B*

There are no predicted consequences affecting current levels of air quality and noise under Alternative B.

4.1.3 Water & Fisheries

*Predicted Consequences of Alternative A*

If FWP does not amend the Keogh Ranch CE to prohibit subdivision, the property could be divided into as many as forty-four 160-acre parcels. While all subdivided parcels would be subject to the terms of the CE, livestock use and vehicle activity across the property would increase with each subdivision which could cause erosion leading to silt deposition into Little Whitetail Creek.

*Predicted Consequences of Alternative B*

Under one ownership, the Keogh Ranch CE would continue to be managed as one livestock operation with practices to minimize livestock use in riparian areas and vehicle use across the property that could cause erosion and silt deposition into Little Whitetail Creek.

4.1.4 Vegetation

*Predicted Consequences of Alternative A*

Subdivision of the Keogh Ranch CE would lead to a loss of native vegetation as the property would have to support more and longer agricultural use for each subdivided parcel. While the terms of the CE would not allow conversion of native vegetation, livestock grazing could occur year-round on as many as forty-four 160-acre parcels on the property which is a significant increase over what currently occurs and would lead to significant impacts and loss on the native vegetation. With increased livestock use and vehicle traffic to subdivided parcels, the potential for the spread of noxious weeds would increase.

*Predicted Consequences of Alternative B*

If FWP amends the Keogh Ranch CE to prohibit subdivision the entire ranch property would continue to be managed under one operation that incorporates rest-rotational grazing and other best management practices into the program. The native sagebrush-steppe habitat would remain intact and available for wildlife. The Fitzgerald family would continue to use this parcel as part of their rest-rotation grazing program for livestock production and would continue to manage the area for noxious weeds.

#### 4.1.5 Wildlife

##### *Predicted Consequences of Alternative A*

If the Keogh Ranch CE were subdivided, the ecological integrity of the habitat the ranch provides to wildlife would be compromised and would lose much of its value and function for wildlife. With each subdivision fencing, roads and disturbance from human activity would increase which would further impact wildlife use and movements in this area. The Montana species of concern that occur on the property would be negatively impacted by loss of quality habitat and disturbance. Game species such as elk, mule deer and antelope would likely be displaced to surrounding private and public lands which would discount the benefits to wildlife and the recreating public that the CE was meant to protect.

##### *Predicted Consequences of Alternative B*

The proposed action would benefit wildlife by keeping the Keogh Ranch CE intact in one 7,106-acre parcel, thus minimizing the amount of fencing, roads and human activity that would increase with subdivision. The terms of the easement to conserve the land as productive agricultural ranch land with native shrub-steppe habitat and open space would benefit many of Montana's native wildlife species. Game species such as elk, mule deer, antelope, and mountain lions would benefit from having a contiguous tract of native habitat. Furbearer species such as bobcat, coyotes, red fox, and weasels would also benefit along with several other native species of mammals, birds, and reptiles. By amending the Keogh Ranch CE to prohibit subdivision, the six Montana species of concern that occur on the Keogh Ranch (black-tailed prairie dog, mountain plover, Clark's nutcracker, long-billed curlew, burrowing owl, and ferruginous hawk) would also benefit from having intact habitat.

#### 4.1.6 Aesthetics

##### *Predicted Consequences of Alternative A*

Subdivision of the Keogh Ranch CE would impact the natural look and feel of the area with increased fencing and degraded habitat.

##### *Predicted Consequences of Alternative B*

If FWP amends the Keogh Ranch CE to purchase the subdivision rights, the natural integrity and character of the Keogh Ranch would be retained in perpetuity. It would continue to be a working cattle ranch under one agricultural operation and would continue to add to the nature-scape of the area.

#### 4.1.7 Recreation

##### *Predicted Consequences of Alternative A*

If the Keogh Ranch CE were subdivided, both access to and quality of recreation would be compromised under multiple landowners. Recreationist would have to secure access from the owner of each parcel of subdivided property. With the potential for impacted habitat as described above, wildlife use of the subdivided area would likely decrease, thereby diminishing the quality of hunting or wildlife watching in the area.

##### *Predicted Consequences of Alternative B*

If FWP amends the Keogh Ranch CE to prohibit subdivision in perpetuity, the recreating public would only need to get permission from one landowner to access the entire 7,106-acre property for hunting, fishing, wildlife watching and other forms of recreation on the property. The property would continue to provide quality habitat that attracts and hold wildlife for the benefit of the recreating public.

#### 4.1.8 Cultural & Historic

While the Keogh home site has historical significance as having been a stop along the stagecoach line between Boulder and Whitehall, there are no predicted cultural or historical consequences from either Alternative A or B.

#### 4.1.9 Hazards / Risks

There are no predicted hazards or risks to human health and safety from either Alternative A or B.

#### 4.1.10 Community Resources

##### *Predicted Consequences of Alternative A*

If FWP does not amend the Keogh Ranch CE to prohibit subdivision of the property, the current family ranch operation could be subdivided and sold, resulting in multiple horse- and smaller grazing parcels that would not contribute as much to the local economy.

##### *Predicted Consequences of Alternative B*

Under Alternative B, the Fitzgerald family would continue to run a family ranch operation. There would be no effect on local or state tax bases or revenues if FWP amended the Keogh Ranch CE to prohibit subdivision.

## **5.0 MONITORING & LONG-TERM MANAGEMENT**

If the proposed action is taken, the amended Keogh CE property would be managed under the existing management plan and would be monitored annually by FWP's Conservation Easement Stewardship Manager to ensure that the terms of the easement are being met.

## **6.0 POTENTIAL LONG-TERM CONSEQUENCES**

If the proposed amendment does not take place, there is significant potential for the ranch to be subdivided. The following long-term consequences would be anticipated:

- **Public Access:** The ability for the public to access the property would be complicated or completely disrupted by Keogh Ranch's multiple ownerships.
- **Wildlife Habitat:** Under multiple ownerships of the CE property the natural integrity of the area would lose much of its ecological value and function for wildlife use and movements, affecting all wildlife species that utilize the Keogh Ranch including elk, mule deer, antelope and six Montana species of concern.
- **Capacity and costs:** Each subdivision would require additional FWP staff time and resources to complete the necessary resource management and stewardship tasks FWP has committed to in the conservation easement in perpetuity.

If the proposed action is taken, additional protections would be added to the already encumbered 7,106 acres of the Keogh Ranch. The entire ranch would be protected under the terms of the easement, ensuring the long-term maintenance of excellent wildlife habitat and continued use as a traditional ranching operation.

## **7.0 PUBLIC PARTICIPATION AND COLLABORATORS**

### **7.1 Public Participation**



A 30-day public scoping was conducted March 28-April 27, 2017. In addition, this project was discussed with the Jefferson Valley Sportsmen, Skyline Sportsmen Association, Anaconda Sportsmen Association and the Whitehall Community and Technical Advisory Committee.

In addition, the public will be notified in the following manner to comment on this draft EA:

- Two public notices in each of these papers: *The Montana Standard* (Butte) and *The Ledger* (Whitehall)
- One statewide press release
- Direct mailing to adjacent landowners and interested parties, and
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies of the draft EA will be available for public review at FWP Region 3 Headquarters and at the FWP Butte Area Resource Office. This level of public notice and participation is appropriate for a project of this scope.

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., May 30, 2017 and can be mailed to the address below:

Keogh Ranch CE  
Montana Fish, Wildlife & Parks  
1820 Meadowlark Lane  
Butte, MT 59701

Or email comments to: [yboccadori@mt.gov](mailto:yboccadori@mt.gov). Please put “Keogh Ranch CE Comment” in the subject line.

## **7.2 Collaborators - Other Agencies/Offices that Contributed to the EA**

Montana Department of Fish, Wildlife & Parks: Lands, Wildlife, Fisheries and Legal

## **8.0 ANTICIPATED TIMELINE**

Public Comment Period of EA: May 2 – May 31, 2017

Decision Notice: June 7, 2017

Completion of Project: September 30, 2017

## **9.0 DETERMINATION IF AN ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED**

Based upon the above assessment, which has identified a limited number of minor impacts to the physical and human environment that would be either for a short duration or that the effects of the proposed project can be mitigated below the level of significance, an EIS is not required and an environmental assessment is the appropriate level of review. The purchase of an amendment to the existing Keogh Conservation Easement property that would eliminate the right to subdivide the property would be beneficial to wildlife, the public and the Fitzgerald family.

## **10.0 EA PREPARERS**

Kevin League, FWP Conservation Easement Stewardship Manager, Helena, MT

Vanna Boccadori, FWP Wildlife Biologist, Butte, MT

## **REFERENCES**

Montana's State Wildlife Action Plan. 2015. Montana Fish, Wildlife & Parks, 1420 East Sixth Avenue, Helena, MT 59620. 441 pp.